

jsn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3675 OF 1998

Devkubai Kakadya Mankar & Ors.	--	Plaintiffs
V/s.		
Nehalchand Laloochand P. Ltd. & Anr.	--	Defendants

None for Plaintiff

Mr. Prakash Shah i/b. Prakash & Co. for Defendant

CORAM : MRS. ROSHAN DALVI, J.

DATE : 25th April, 2012.

P.C. :-

1. The suit has been filed by one Devkubai Kakadya Mankar and five others. The plaint has been thumb impressed by Plaintiff No.1. The Vakalatnama has been thumb impressed by Plaintiff No.1 and signed by Plaintiff Nos.2,3 & 6. The Plaintiff No.1 has also thumb impressed the affidavit in support of plaint. Since these Plaintiff's have affirmed the plaint, there is no Power of Attorney of the Plaintiff on record.

2. The suit has been dismissed for default as also for want of service of the summons on 8th August, 2006.

3. A request has been received by the office of the Prothonotary and Senior Master of this Court under Inward No.8791 dated 22nd December, 2011 made by Senior Inspector of Dahisar Police Station, Mumbai under his letter dated 20th December, 2011 bearing Outward No.7803 of 2011. The request is made for seeing

the thumb impression or signature of Plaintiff No.1 and for verifying and investigating thereon in Criminal Case No.220 of 2011 filed under Section 420,460,467,468,471 r/w.34 of the I.P.C.

4. The signature /thumb impression of Plaintiff No.1 is, therefore, required to be investigated. Office of the Prothonotary and Senior Master must assist the police in any effort in any investigation.

5. Counsel on behalf of the defendants also fairly concedes this position. The matter has been put on board for obtaining directions upon the aforesaid letter.

6. Hence following order:

1. The Prothonotary and Senior Master of this Court shall personally handover the plaint alongwith vakalatnama and the affidavit in support of the plaint containing the aforesaid thumb impressions and two other signatures to the Senior Police Inspector of Dahisar Police Station or investigating officer to investigate the aforesaid criminal case.

2. The Senior Inspector of Dahisar Police Station and or the investigating officer in the aforesaid case shall pass a valid receipt for the same on a photocopy of the plaint as well as its annexures which shall be retained in the record of this case.

(ROSHAN DALVI, J.)